



PLANNING COMMISSION AGENDA REPORT

VIII.3.

MEETING DATE: SEPTEMBER 26, 2005

ITEM NUMBER:

SUBJECT: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA AMENDING TITLE 13 OF THE COSTA MESA MUNICIPAL CODE REGARDING THE MASTER PLAN REVIEW PROCESS IN PLANNED DEVELOPMENT ZONES.

DATE: SEPTEMBER 15, 2005

**FOR FURTHER INFORMATION CONTACT: KIMBERLY BRANDT, AICP, PRINCIPAL PLANNER
(714) 754-5604**

DESCRIPTION

An ordinance to designate the Planning Commission as the final review authority in the master plan review process.

RECOMMENDATION

Staff recommends that Planning Commission recommend to City Council that the ordinance be given first reading.

KIMBERLY BRANDT, AICP
Principal Planner

BACKGROUND

Periodically, staff addresses minor Zoning Code amendments through a single ordinance. Through the course of administering the Zoning Code, staff notes sections that need to be amended in order to clarify the Code's intent or streamline the development review process. A discussion of the proposed change is provided in the following section.

ANALYSIS

The most recent Zoning Code amendments (Ordinance 05-2) changed the master plan review process in all zones to designate the Commission as the final review authority and the Zoning Administrator would be the final review authority for master plan amendments. Subsequent to the code change, staff identified other code sections that need to be amended as well to reflect the delegation in the final review authority and internal consistency within the Zoning Code.

ALTERNATIVES CONSIDERED:

Commission may choose to do any of the following:

1. Recommend to Council that first reading be given to the ordinance as recommended by the staff;
2. Modify any of the recommended changes to the ordinance; or
3. Recommend to Council that the City's existing zoning provisions be retained.

ENVIRONMENTAL DETERMINATION

This code amendment has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City's environmental procedures, and has been found to be exempt.

Attachments: 1. Proposed Ordinance – (strike-through version)
 2. Existing Zoning Code Provisions

Distribution: Deputy City Manager - Dev. Svs. Director
 Senior Deputy City Attorney
 Public Services Director
 City Engineer
 Fire Protection Analyst
 Staff (4)
 File (2)

ATTACHMENT 1
PROPOSED ORDINANCE

ORDINANCE NO. 05-

**AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF COSTA MESA, CALIFORNIA AMENDING
TITLE 13 OF THE COSTA MESA MUNICIPAL CODE
REGARDING THE MASTER PLAN REVIEW
PROCESS IN PLANNED DEVELOPMENT ZONES.**

THE CITY COUNCIL OF THE CITY OF COSTA MESA DOES HEREBY ORDAIN AS
FOLLOWS:

Section 1. Title 13 of the Costa Mesa Municipal Code is hereby amended to read as
follows:

a. Amend Section 13-56(a) to read as follows:

“(a) Preliminary master plan. At the applicant's option, a preliminary master plan may be processed in advance of the master plan pursuant to CHAPTER III PLANNING APPLICATIONS. The purpose of the preliminary master plan shall be to determine the general location, type, and intensities of uses proposed in large scale planned developments prior to the preparation and submittal of more detailed development plans. Preliminary master plans may also be used as the conceptual plan for long-term or phased planned developments.

Upon approval of the preliminary master plan, development plans for individual components or phases of the planned development shall be required and shall be processed according to the provisions for master plans in CHAPTER III PLANNING APPLICATIONS. The subsequent plans shall be consistent with the parameters and general allocation and intensity of uses of the approved preliminary master plan. At the time of approval of the preliminary master plan, the City Council Planning Commission may determine that subsequent development plans may be approved by the Planning Commission Zoning Administrator. In such cases, development plans will be forwarded by the Planning Commission Zoning Administrator, upon an appeal filed pursuant to TITLE 2, CHAPTER IX APPEAL, REHEARING AND REVIEW PROCEDURE, or upon motion by the Planning Commission or City Council.”

b. Amend Sections 13-57(a)(3) and (4) as follows:

“(3) As a complementary use, nonresidential use of a religious, educational, or recreational nature may be allowed if the City Council Planning Commission finds the use to be compatible with the Planned Development residential project.

(4) As a complementary use in the PDR-MD, PDR-HD and PDR-NCM zones, nonresidential uses of a commercial nature may be allowed if the City Council Planning Commission finds the uses to be compatible with the Planned Development Residential project and if the FAR does not exceed that established for the Neighborhood Commercial General Plan

land use designation."

c. Amend Section 13-57(b)(2) as follows:

"(2) As complementary uses, residential (density maximum of 20 dwelling units per acre) and industrial uses as well as other commercial and noncommercial uses of a similar or supportive nature to the uses noted in this subsection may be allowed if the ~~City Council~~ Planning Commission approves the uses as compatible with the Planned Development Commercial project based on compatible uses listed in the General Plan for the applicable land use designation subject to FAR limits. For the 1901 Newport Plaza property, a site-specific FAR of 0.70 for the commercial component and site-specific density of 40 dwelling units per acre for the residential component were established for 1901 Newport Boulevard pursuant to General Plan amendment GP-02-04."

d. Amend Section 13-57(c)(2) as follows:

"(2) As complementary uses, nonindustrial uses of a commercial nature or residential nature (density maximum of 20 dwelling units per acre) may be allowed if the ~~City Council~~ Planning Commission finds the uses to be compatible with the Planned Development Industrial project based on compatible uses listed in the General Plan for the applicable land use designation subject to FAR limits."

e. Amend Section 13-60(e) as follows:

"All or part of the area required may be provided in the common open space for multiple-story apartments or common interest developments where dwelling units have no ground floor access, or where for other reasons the ~~City Council~~ Planning Commission finds that the provision of all or part of the required private open space in the aforementioned manner is impractical or undesirable. In such cases, each dwelling unit above the first floor shall be provided with patio or deck area of not less than one 100 square feet. The required area may be provided in one or more patios or decks. In such cases, each dwelling unit shall be provided with a private patio or deck with no dimension less than 5 feet."

f. Amend Section 13-61(a) to read as follows:

"(a) In Planned Development Commercial and Planned Development Residential-North Costa Mesa districts, the required perimeter open space may include, in addition to landscaping, architectural features (such as arcades, awnings, and canopies) and hardscape features (such as paving, patios, planters, and street furniture) if the ~~City Council~~ Planning Commission determines that:

g. Amend Section 13-61(b) to read as follows:

(b) In Planned Development Commercial and Planned Development Residential-North Costa Mesa districts, buildings may encroach into the required perimeter open space if the ~~City Council~~ Planning Commission determines that:"

h. Amend Section 13-62(a)(3) as follows:

"(3) The ~~City Council~~ Planning Commission may also require dedication of development rights or scenic easements to assure that common open space shall be maintained."

i. Amend Section 13-62(b)(2) as follows:

"(2) Where appropriate, the internal circulation system shall provide pedestrian and bicycle paths that are physically separated from vehicular traffic to serve residential, nonresidential and recreational facilities provided in or adjacent to the planned development. Where designated bicycle paths or trails exist adjacent to the planned development, safe, convenient access shall be provided. The ~~City Council~~ Planning Commission may require, when necessary, pedestrian and/or bicycle overpasses, underpasses or traffic signalization in the vicinity of schools, playgrounds, parks, shopping areas or other uses that may generate considerable pedestrian and/or bicycle traffic."

j. Amend Section 13-62(c)(1) as follows:

"(1) The design of public and private streets within a planned development shall reflect the nature and function of the street. Existing City standards of design and construction may be modified only as is deemed appropriate by the ~~City Council~~ Planning Commission after recommendation by the City Engineer, Planning Division, Fire Chief and Police Chief. Right-of-way, pavement and street widths may only be reduced by the ~~City Council~~ Planning Commission where it is found that the final master plan for the planned development provides for the separation of vehicular and pedestrian traffic; that access for public safety and service vehicles is not impaired; and that adequate off-street parking has been provided."

Section 2. Environmental Determination. The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City's environmental procedures, and has been found to be exempt.

Section 3. Inconsistencies. Any provision of the Costa Mesa Municipal Code or appendices thereto inconsistent with the provisions of this Ordinance, to the extent of such inconsistencies and no further, is hereby repealed or modified to the extent necessary to affect the provisions of this Ordinance.

Section 4. Severability. If any chapter, article, section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance, or the application thereof to any person, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portion of this Ordinance or its application to other persons. The City Council hereby declares that it would have adopted this Ordinance and each chapter, article, section, subsection, subdivision, sentence, clause, phrase or portion thereof,

irrespective of the fact that any one or more subsections, subdivisions, sentences, clauses, phrases, or portions of the application thereof to any person, be declared invalid or unconstitutional. No portion of this Ordinance shall supersede any local, State, or Federal law, regulation, or codes dealing with life safety factors.

Section 5: This Ordinance shall take effect and be in full force thirty (30) days from and after the passage thereof and prior to the expiration of fifteen (15) days from its passage shall be published once in the ORANGE COAST DAILY PILOT, a newspaper of general circulation, printed and published in the City of Costa Mesa or, in the alternative, the City Clerk may cause to be published a summary of this Ordinance and a certified copy of the text of this Ordinance shall be posted in the office of the City Clerk five (5) days prior to the date of adoption of this Ordinance, and within fifteen (15) days after adoption, the City Clerk shall cause to be published the aforementioned summary and shall post in the office of the City Clerk a certified copy of this Ordinance together with the names and member of the City Council voting for and against the same.

PASSED AND ADOPTED this ____ day of _____, 2005

Mayor

ATTEST:

APPROVED AS TO FORM:

City Clerk of the
City of Costa Mesa

City Attorney

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss
CITY OF COSTA MESA)

I, Julie Folcik, Deputy City Clerk and ex-officio clerk of the City Council of the City of Costa Mesa, hereby certify that the above and foregoing Ordinance No. 05-__ was introduced and considered section by section at a regular meeting of said City Council held on the ____ day of _____, 2005, and thereafter passed and adopted as a whole at a regular meeting of said City Council held on the ____ day of _____, 2005, by the following roll call vote:

AYES:

NOES:

ABSENT:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of the City of Costa Mesa this ____ day of _____, 2005.

Deputy City Clerk and ex-officio
Clerk of the City Council of the
City of Costa Mesa

ATTACHMENT 2
EXISTING CODE EXCERPTS

Sec. 13-56. MASTER PLAN REQUIRED

All development proposed in the Planned Development districts requires approval of a master plan pursuant to CHAPTER III PLANNING APPLICATIONS. The final review authority for the master plan shall be the Planning Commission.

- (a) **Preliminary master plan.** At the applicant's option, a preliminary master plan may be processed in advance of the master plan pursuant to CHAPTER III PLANNING APPLICATIONS. The purpose of the preliminary master plan shall be to determine the general location, type, and intensities of uses proposed in large scale planned developments prior to the preparation and submittal of more detailed development plans. Preliminary master plans may also be used as the conceptual plan for long-term or phased planned developments.

Upon approval of the preliminary master plan, development plans for individual components or phases of the planned development shall be required and shall be processed according to the provisions for master plans in CHAPTER III PLANNING APPLICATIONS. The subsequent plans shall be consistent with the parameters and general allocation and intensity of uses of the approved preliminary master plan. At the time of approval of the preliminary master plan, the City Council may determine that subsequent development plans may be approved by the Planning Commission. In such cases, development plans will be forwarded by the Planning Commission, upon an appeal filed pursuant to TITLE 2, CHAPTER IX APPEAL, REHEARING AND REVIEW PROCEDURE, or upon motion by the City Council.

Sec. 13-57. SITE DESIGN CONCEPT

A variety of building products are encouraged in the design of projects in the Planned Development zones, thereby maximizing project excellence. Complementary uses, as appropriate, are also encouraged.

(a) Planned Development Residential.

- (1) Within the low-density zone: Small-lot, single-family detached residential developments including clustered development, zero lot line development and conventional development are appropriate.
- (2) Within the medium density, high density, and north Costa Mesa zones: Single and multiple-family residential developments containing any type or mixture of housing units, either attached or detached, including but not limited to, clustered development, townhouses, patio homes, detached houses, duplexes, garden apartments, and high rise apartments or common interest developments are appropriate.
- (3) As a complementary use, nonresidential use of a religious, educational, or recreational nature may be allowed if the City Council finds the use to be compatible with the Planned Development residential project.
- (4) As a complementary use in the PDR-MD, PDR-HD and PDR-NCM zones, nonresidential uses of a commercial nature may be allowed if the City Council finds the uses to be compatible with the Planned Development Residential project and if the FAR does not exceed that established for the Neighborhood Commercial General Plan land use designation.

(b) Planned Development Commercial.

- (1) Retail shops, offices and service establishments, including but not limited to, hotels, restaurants, theaters, museums, financial institutions and health clubs are appropriate.

These uses are intended to serve adjacent residential areas, as well as the entire community and region.

- (2) As complementary uses, residential (density maximum of 20 dwelling units per acre) and industrial uses as well as other commercial and noncommercial uses of a similar or supportive nature to the uses noted in this subsection may be allowed if the City Council approves the uses as compatible with the Planned Development Commercial project based on compatible uses listed in the General Plan for the applicable land use designation subject to FAR limits. For the 1901 Newport Plaza property, a site-specific FAR of 0.70 for the commercial component and site-specific density of 40 dwelling units per acre for the residential component were established for 1901 Newport Boulevard pursuant to General Plan amendment GP-02-04.

(c) Planned Development Industrial.

(1) Large industrial developments with ample open space and landscaping typifies projects in this district.

→ (2) As complementary uses, nonindustrial uses of a commercial nature or residential nature (density maximum of 20 dwelling units per acre) may be allowed if the City Council finds the uses to be compatible with the Planned Development Industrial project based on compatible uses listed in the General Plan for the applicable land use designation subject to FAR limits.

Sec. 13-60. REQUIRED OPEN SPACE CRITERIA FOR PLANNED DEVELOPMENT RESIDENTIAL

- (a) The required open space shall be land areas that are not occupied by buildings, structures, parking areas, driveways, streets or alleys. Landscaped roof areas or decks may not be calculated as part of the required open space. The open space shall be devoted to landscaping, preservation of natural features, patios and recreational areas and facilities.
- (b) At least 50 percent of the required open space shall be designed for the common use of the residents of the Planned Development, except for small-lot, single-family development. In projects consisting of small-lot single-family common interest developments resulting in fewer than 12 units, the required perimeter landscape buffer required in Table 13-58 shall be the only open space required to be designed for common use. Additional common open space may be provided in the interior of such projects if such open space enhances the overall project design. The remaining required open space shall be equally provided to each dwelling unit.
- (c) In projects consisting of small-lot, single-family subdivisions resulting in 12 or more units, the required open space shall consist of the perimeter landscape buffer required in Table 13 58 and a common recreational open space area in the interior of the project to provide recreational facilities for children.
- (d) Common open space may be distributed throughout the Planned Development and need not be in a single large area.
- (e) All or part of the area required may be provided in the common open space for multiple-story apartments or common interest developments where dwelling units have no ground floor access, or where for other reasons the City Council finds that the provision of all or part of the required private open space in the aforementioned manner is impractical or undesirable. In such cases, each dwelling unit above the first floor shall be provided with patio or deck area of not less than one 100 square feet. The required area may be provided in one or more patios or decks. In such cases, each dwelling unit shall be provided with a private patio or deck with no dimension less than 5 feet.
- (f) Landscape parkways with a combined width of 10 feet, but not less than 3 feet on one side, shall be provided along the sides of interior private streets and/or common driveways. The parkway on the house side of private streets or common driveways shall be a minimum of 5 feet in width.
-

Sec. 13-61. PERIMETER OPEN SPACE CRITERIA

This area shall be kept free of buildings and structures and permanently maintained in landscaping. If the design of this buffer area enhances the overall development plan and is readily accessible to the residents of the planned development, it may be included as partial fulfillment of the common open space requirements listed in Section 13-60 REQUIRED OPEN SPACE CRITERIA FOR PLANNED DEVELOPMENT RESIDENTIAL.

Exceptions:

- (a) In Planned Development Commercial and Planned Development Residential-North Costa Mesa districts, the required perimeter open space may include, in addition to landscaping, architectural features (such as arcades, awnings, and canopies) and hardscape features (such as paving, patios, planters, and street furniture) if the City Council determines that:

- (1) These other features provide usable, visually interesting pedestrian amenities and facilitate pedestrian circulation.
- (2) These additional features enhance the overall urban design concept of the Planned Development and promote the goals of the General Plan, applicable specific plan, and/or Redevelopment Plan.
- (3) Adequate landscaping is retained to shade the outdoor use areas and to complement the architecture and the design of buildings and pedestrian areas; and
- (4) The design of the perimeter setback area will be compatible with contiguous development.

- (b) In Planned Development Commercial and Planned Development Residential-North Costa Mesa districts, buildings may encroach into the required perimeter open space if the City Council determines that:

- (1) An adequate, well-defined pedestrian circulation system is provided within the planned development;
- (2) Pedestrian oriented landscaped and/or public use areas (plazas, patios, etc.) are provided within the planned development;
- (3) The reduced open space area will not be detrimental to developments on contiguous properties;
- (4) The reduced building setback will not deprive the street nor other properties of necessary light and air; and
- (5) These additional features enhance the overall urban design concept of the Planned Development and promote the goals of the City's General Plan, applicable specific plan and/or Redevelopment Plan.

Sec. 13-62. ADDITIONAL DEVELOPMENT STANDARDS

- (a) **Maintenance of common facilities.**

- (1) A planned development shall be approved subject to the submission of legal instruments setting forth a plan or manner of permanent care and maintenance of all common open space, recreational vehicle storage areas, and other facilities provided in the final development plan. No such instrument shall be acceptable until approved by the City Attorney as to legal form and effect, and the Planning Division as to suitability for the proposed use of the common space and subject facilities.

The declaration of covenants shall contain language or provisions substantially as follows:

- a. "The covenants, conditions and restrictions of this declaration shall run to the City of Costa Mesa insofar as they shall apply to the maintenance of the "common areas" as herein defined."
- b. "In the event the association or other legally responsible person(s) fail to maintain the common area in such manner as to cause same to constitute a public nuisance, the City may, upon proper notice and hearing, institute summary abatement procedures and impose a lien for the costs of such abatement upon the common area, individual units or the whole thereof as provided by law."

(2) The common open space, recreational vehicle storage areas and other facilities provided may be conveyed to a public agency or private association. If the common open space, recreational vehicle storage areas or recreational facilities are conveyed to a private association, the developer shall file as part of the aforementioned instruments a declaration of covenants and restrictions that will govern the association. The provisions shall include, but not be limited to the following:

- a. The private association must be established prior to sale of any unit(s).
- b. Membership must be mandatory for the original buyer and any successive buyer.
- c. The private association must be responsible for liability insurance, local taxes (if any) and the maintenance of common open space, recreational vehicle storage areas and other facilities.
- d. Each member of the association shall be assessed a pro rata share of the costs incurred by the association.
- e. The private association must be able to adjust any assessments to meet changed needs.

→ (3) The City Council may also require dedication of development rights or scenic easements to assure that common open space shall be maintained.

(b) Traffic circulation.

(1) Primary vehicular access points to the planned development shall be designed to provide smooth traffic flow with controlled turning movements and minimum hazards to vehicular, pedestrian and bicycle traffic. Minor streets within the planned development shall not be connected to streets outside the development in such a manner as to encourage their use by through traffic.

(2) Where appropriate, the internal circulation system shall provide pedestrian and bicycle paths that are physically separated from vehicular traffic to serve residential, nonresidential and recreational facilities provided in or adjacent to the planned development. Where designated bicycle paths or trails exist adjacent to the planned development, safe, convenient access shall be provided. The City Council may require, when necessary, pedestrian and/or bicycle overpasses, underpasses or traffic signalization in the vicinity of schools, playgrounds, parks, shopping areas or other uses that may generate considerable pedestrian and/or bicycle traffic.

(c) Streets.

(1) The design of public and private streets within a planned development shall reflect the nature and function of the street. Existing City standards of design and construction may be

modified only as is deemed appropriate by the City Council after recommendation by the City Engineer, Planning Division, Fire Chief and Police Chief. Right-of-way, pavement and street widths may only be reduced by the City Council where it is found that the final master plan for the planned development provides for the separation of vehicular and pedestrian traffic; that access for public safety and service vehicles is not impaired; and that adequate off-street parking has been provided.

- (2) All private streets within a planned development shall be dedicated to the City as utility easements where the easements are necessary.
 - (3) All private streets shall be conveyed to a private association where one exists as established by subsection (a).
 - (4) If the private association or person(s) owning the private streets in a planned development should in the future request that any private streets be changed to public streets, the private association or owner(s) shall agree that before consideration for acceptance by the City the private association or owner(s) will bear the full costs of reconstruction of any other action necessary to make the streets conform to the applicable standards for public streets. The private association or owner(s) shall also agree that these streets shall be made to conform and be dedicated to public use without compensation to the private association or owner(s).
- (i) Security gates, in all zones, are subject to review and approval by the Planning Division in conjunction with the Fire Department and Transportation Division.